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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,435	11/09/2001	Brian Edward Cowper	MA83-002	5943

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,435

Applicant(s)

COWPER, BRIAN EDWARD

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-49 and 51-71 is/are pending in the application.
- 4a) Of the above claim(s) 51-62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-49, 63-69 and 71 is/are allowed.
- 6) ☒ Claim(s) 32, 33, 35-37 and 70 is/are rejected.
- 7) ☒ Claim(s) 34 and 38-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03162004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32, 33, 35-37, and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (U.S. Patent No. 3,025,096). Williams discloses a lock for a wing movable between respective open and closed positions relative to a frame comprising a casing (formed by 13 and 20), a bolt (“latch”, column 1, lines 21-22) operable to extend from or retract into the casing, and an operating member (on 11) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt (not shown), first lock means (38, 39) arranged, in use, for operation at the other side of the wing, and blocking means (10, 18) operable, in use, to prevent operation of the operating member (on 11) to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt (not shown) is extended and the blocking means (10, 18), if operated, prevents retraction of the bolt by the operating member, operation of the first lock means (38, 39) both de-actuating, the blocking means (10, 18), if operated, and retracting the bolt. Williams states that “the non-circular opening 38 permits the key 37 to drive the knob 19 in rotation” (column 2, lines 71-72). Examiner asserts that driving the knob in rotation will retract the bolt. The blocking means are de-actuated while the key is inserted in 38 and 39, and the inward force is applied.

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3. With respect to claim 33, Williams discloses the blocking means (10, 18) can be de-actuated from both sides of the wing. The blocking means can be de-actuated by control button (27) or by inserting key (37) into 38 and 39 and applying an inward force.

4. With respect to claims 35 and 36, Williams discloses the blocking means (10, 18) are operable from the one side only of the wing to prevent operation of the operating member to retract the bolt (not shown). Examiner is considering the left side of the figures of Williams, with control button 27 to be the "one side" of the wing, and the right side of the figures, with knob 19, to be the "other side" of the wing. Williams also discloses the blocking means (10, 18) are operable to prevent operation of the operating member (on 11) to retract the bolt by second lock means (27) at the one side of the wing.

5. With respect to claim 37, Williams discloses the second lock means (27) are operable at the one side of the wing to de-actuate the blocking means (10, 18)

7. With respect to claim 70, Williams discloses a lock for a wing movable between respective open and closed positions relative to a frame comprising a casing (13 and 20), a bolt ("latch", column 1, lines 21-22) operable to extend from or retract into the casing, and an operating member (on 11) arranged to be operable at one side of the wing (left side of figures), in use, to effect retraction of the bolt (not shown), first lock means (38, 39) arranged, in use, for operation at the other side of the wing (right side of figures), and blocking means (10, 18) operable, in use, to prevent operation of the operating member (on 11) to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt (not shown) is extended and the blocking means (10, 18), if operated, prevents retraction of the bolt by the

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operating member, operation of the first lock means (38, 39) both de-actuating, the blocking means (10, 18), if operated, and retracting the bolt. The blocking means (10, 18) can be de-actuated from both sides of the wing. Williams states that "the non-circular opening 38 permits the key 37 to drive the knob 19 in rotation" (column 2, lines 71-72). Examiner asserts that driving the knob in rotation will retract the bolt. The blocking means are de-actuated while the key is inserted in 38 and 39, and the inward force is applied.

Allowable Subject Matter

10. Claims 34 and 38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 42-49, 63-69, and 71 are allowed.

Response to Arguments

12. Applicant's argument with respect to claim 32 has been considered but is moot in view of the new ground(s) of rejection. Independent claims 32 and 70, and dependent claims 33, and 35-37, now stand rejected under 102(b) as being anticipated by Williams.

Conclusion

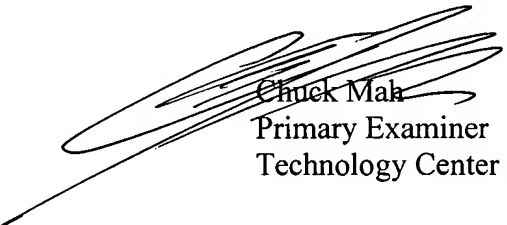
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



Chuck Mah
Primary Examiner
Technology Center 3600